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MEMORANDUM ENDORSED

VIA ELECTRONIC FILING

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

August 3, 2022

**Re: Request for Extension of Discovery Schedule and the Deadline
set by the Court's July 26th Order
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein,

The parties write seeking an extension of the discovery schedule and the Deadline set by the Court's July 26th, 2022 Order. The parties have not yet been able to complete discovery as the Defendant has yet to resolve issues involving his privilege log and document production. I also request a two-week extension for the filing of the sworn statement, as ordered in Your Honor's Order dated July 26, 2022, due to the fact I have had to devote time to aiding my family as my father was recently diagnosed with cancer.

Plaintiff and I spoke for approximately 15 minutes on August 1st. I stated that I had begun to contact custodians but had been unable to complete the task as of yet. Further, my client had been informed that he must also search repositories as ordered, but that process had not yet been completed due to the aforementioned health issues. Similarly, Defendant has been unable to provide an updated privilege log or supplemental production related to the log.

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Plaintiff raised concerns that Defendant has a long history of non-compliance with discovery, in particular the years of delay regarding discovery in another action between the parties in which Defendant has had approximately 9 attorneys. Plaintiff explained that it appeared that upon the entry of orders to compel production, those attorneys have tended to raise issues such as health problems that would require delay, only to fail to comply and ultimately withdraw from the action. Plaintiff also raised concerns that Defendant has frequently failed to provide discovery as discussed and would not agree to further extensions absent ongoing certifications as to his efforts to complete discovery.

As the Defendant would be unable to comply with the Court's July 26th, 2022 Order nor resolve discovery issues prior to the current discovery cut-off due to his father's illness, Plaintiff agreed to Defendant's requests for extensions.

The parties have requested four extensions of the discovery schedule on December 22nd, February 25th, April 11th, May 24th, and July 4th. The Parties request that the discovery schedule be extended six weeks to September 22, and the sworn statement mentioned in Your Honor's Order dated July 26, 2022 be due August 17. The parties thank the Court for its attention to this matter.

Yours faithfully

Polizzotto & Polizzotto, LLC


Emilio Rodriguez

Granted. The sworn statement required by Docket # 153 shall be due August 17, 2022. The discovery deadline is extended to September 22, 2022. The letter to Judge Schofield required by paragraph 13.b of Docket # 77 shall be filed by September 29, 2022. Counsel is admonished once again (see Docket # 134, 147) to comply with paragraph 1.E of the Court's Individual Practices in the future.

So Ordered.


GABRIEL W. CORENSTEIN
United States Magistrate Judge

August 4, 2022